

INTER-OFFICE COMMUNICATION FROM
THE OFFICE OF
CLERK OF THE BOARD OF COUNTY COMMISSIONERS

April 8, 1987

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Richard Graddock, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
Bob Clinger, Beach Erosion Control Coordinator
Chuck Potter, Chairman, South Lake Worth Inlet
John Yeend, Gee and Jenson (and Attorney)
Dennis Eshleman, Parks Dept.

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO.87-5

TITLE REFERENCE:

AN ORDINANCE AMENDING ORD NO. 78-19, KNOWN AS
THE "SOUTH LAKE WORTH INLET ORDINANCE"

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is April 6, 1987.

JWD:lc

attachment

cc:* Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 820-2959.

ORDINANCE NO. 87- 5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 78-19 ADOPTED ON SEPTEMBER 11, 1978 AND KNOWN AS "THE SOUTH LAKE WORTH INLET ORDINANCE" BY FURTHER DEFINING, CLARIFYING AND AMENDING THE RESTRICTED AREA PROVIDED FOR IN ITS SECTION 2: BY FURTHER DEFINING, CLARIFYING AND AMENDING RESTRICTED ACTIVITIES AS PROVIDED FOR IN ITS SECTION 3; BY FURTHER DEFINING, CLARIFYING AND AMENDING ITS VIOLATION AND PENALTY AS PROVIDED FOR IN ITS SECTION 6; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS AND ORDINANCES IN CONFLICT AND SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted Ordinance No. 78-19 on September 11, 1978; and

WHEREAS, in accordance with Sections 125.01 and 125.012 of Chapter 125, Florida Statutes, Palm Beach County, a County Chartered pursuant to Florida Law, hereinafter called County, is authorized to adopt Ordinances and Resolutions appropriate or necessary for the exercise of its police powers, to protect the public health, safety and general welfare, and to prescribe fines and penalties for violation of ordinances in accordance with law; and

WHEREAS, Palm Beach County operates a sand transfer plant and facilities at the South Lake Worth Inlet to transfer sand from north of the Inlet to south of the Inlet; and

WHEREAS, the sand transfer plant on the north jetty of the South Lake Worth Inlet (more particularly described in the recitals of Ordinance No. 78-19) may create a hazard to persons using the waters of the Atlantic Ocean north of the Inlet north jetty which may be affected or influenced by the sand transfer plant operation, and the sand transfer plant facilities extending across the Inlet and down the beach south of the Inlet south jetty similarly may create a hazard to persons, particularly including hazard at or around the point of discharge, from which possible hazards the County hereby makes the planning level decision to attempt to further protect the public by further amending and clarifying the restricted areas provided in Section 2 of Ordinance 78-19 and by further defining restricted activities as provided in Section 3 of ordinance 78-19.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

3 1. Section 2 of Ordinance No. 78-19 adopted September 11, 1978
4 be and the same is hereby amended and clarified to read as follows:

5 2. RESTRICTED AREA - There is hereby established a
6 restricted area composed of all of the following areas as
7 now or hereafter existing or located:

8 A. The Palm Beach County operated sand transfer
9 plant and its facilities at the South Lake Worth Inlet in
10 Palm Beach County;

11 B. That part of the north jetty of the South Lake
12 Worth Inlet where the sand transfer plant is located and
13 enclosed by fence;

14 C. The facilities of the sand transfer plant which
15 project from it in, on, over, under or connected to land
16 and water areas and the bridge over the Inlet;

17 D. Within thirty feet (30') of the end of the
18 discharge pipe and the discharge itself on and over the
19 san area of the beach on the south side of the south jetty
20 of the Inlet where the sand transfer plant and facilities'
21 pipe outfall for discharge is located;

22 E. The water area of the Atlantic Ocean on the
23 north side of the jetty of the Inlet within seventy-five
24 feet (75') of the sand transfer plant or the area of
25 influence of the sand transfer plant, whichever is
26 greater.

27 2. Section 3 of Ordinance No. 78-19 adopted September 11,
28 1978 be and the same is hereby amended and clarified to read as follows:

29 3. RESTRICTED ACTIVITIES - It shall be a violation of
30 this Ordinance for all unauthorized persons to enter,
31 climb on, deface, swim in, wade in, snorkel in, dive in,
32 scuba dive in, surf in, boat in or otherwise be in or on
33 any restricted area; to litter, place fishing gear,
34 personal belongings, or any other article in or upon any
35 restricted area; to allow any dog, cat or other pet or

1 animal to be or remain upon or within any restricted area;
2 to fish in, upon or from any portion of any restricted
3 area; or to loiter on or within any restricted area.

4 3. Section 6 of Ordinance No. 78-19 adopted September 11,
5 1978 be and the same is hereby amended and clarified to read as follows:

6 6. VIOLATION AND PENALTY - Any person violating this
7 Ordinance shall, upon conviction, be punished as a second
8 degree misdemeanor as provided by law.

9 4. SEVERABILITY - If any word, phrase, clause, sentence,
10 provisions, classification, paragraph or subparagraph, section or
11 subsection of this Ordinance or the application thereof is for any reason
12 held by the Court to be invalid, unconstitutional, inoperative or void,
13 such holding shall not affect the remainder or balance of this Ordinance
14 or the application hereof, and to this end, the provisions of this
15 Ordinance are hereby declared severable; and to the extent of any such
16 holding, the provisions of the Code of Laws and Ordinances of Palm Beach
17 County existing prior to the adoption of this Ordinance shall obtain.

18 5. REPEAL OF LAWS IN CONFLICT - All local laws and Ordinances
19 or parts of Ordinances applying to the unincorporated area of Palm Beach
20 County in conflict with any provisions of this Ordinance be and the same
21 are hereby repealed, except to the extent above provided in Section 4 of
22 this Ordinance.

23 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES - The
24 provisions of this Ordinance shall become and be made a part of the Code
25 of Laws and Ordinances of Palm Beach County, Florida. The Sections of
26 the Ordinance may be re-numbered or relettered to accomplish such, and
27 the word "Ordinance" may be changed to "section", "article", or any other
28 appropriate word.

29 7. EFFECTIVE DATE - The provisions of this Ordinance shall
30 become effective upon receipt of acknowledgement by the Secretary of
31 State.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on the 24th day of March, 1987.

3 PALM BEACH COUNTY, FLORIDA, BY ITS
4 BOARD OF COUNTY COMMISSIONERS

5 By [Signature]
6 Chairman

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 [Signature]
10 County Attorney

11 Acknowledgement by the Department of State of the State of
12 Florida, on this, the 1st day of April, 1987.

13 EFFECTIVE DATE: Acknowledgement from the Department of State
14 received on the 6th day of April, 1987, at 2:25
15 P.M., and filed in the Office of the Clerk of the Board of County
16 Commissioners of Palm Beach County, Florida.

ENCLOSED

STATE OF FLORIDA, COUNTY OF PALM BEACH,
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners, certify this to
be a true and correct copy of the original filed in
my office on 3/24/87.
DATED at West Palm Beach, FL on 4/8/87.
JOHN B. DUNKLE, Clerk,
By: [Signature] Deputy Clerk

APR 10 1987
CLERK OF BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA